THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20063 of 2001

Dated:10.11.2006

Between
Ramani Ramachandra Rao.

.....Petitioner

and

1.The Executive Engineer,
(Irrigation) Irrigation Department,
Eluru, West Godavari District
and others.

...Respondents

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ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents 1 to 3, in not taking action against the respondents 4 to 7, who are causing the obstruction to the free flow of the drain as illegal and arbitrary and consequently to direct the respondents 1 to 3 to take action against the respondents 4 to 7 for causing obstructions by removing the obstacles for free flow of the drains (1) Mandachedu (2) Muruguthanelu (3) 80 acres Kolumu (4) Gangaraju Kolumu (5) Rajulupara Muyugukalva.

It appears that the only grievance of the petitioners is that the petitioners are ayacutdars of various water bodies. While that being so, the gram

panchayat conducted auction for the fishing rights on the drains in normal procedure. Respondents 4 to 7, who are successful bidders are causing obstruction for free flow of water. Therefore, the ryots who are having lands in and around to an extent of Ac.1000.00 made a representation for removal of the obstructions created by the respondents 4 to 7 and also taking necessary against them.

While admitting the writ petition on 26-9-2001 interim injunction was granted.

A detailed counter affidavit has been filed by the 1st respondent stating that the gram panchayat conducted auction to lease out the fishing rights. The Deputy Executive Engineer, Bhimavaram issued a notice dated 10.10.2000 to the gram panchayat not to conduct any further auction with respect to the lease of fishing rights in the drain. In spite of the same, it appears that the gram panchayat conducted a fresh auction in July, 2001 with respect to the lease of fishing rights in the drain. The Gram panchayat also imposed a

condition that the fishing rights must be exercised by the lessees without causing obstruction to the free flow of water in the drain. However, in order to maximize their catch, the lessees are utilizing the services of bamboo frames which are placed across the drain and the same inevitably cause obstruction to the free flow of water in the drain. The Bamboo frames also cause obstruction to the water borne flora such as nachu and water hyacinth and other weeds which get caught in the frame and cause further obstruction to the water flow, resulting in submergence of the adjacent fields. Such obstruction will also cause silting of the drain and cause irreparable damage to the irrigation system and also to crops in the surrounding areas.

However, pursuant to the interim order passed by this Court on 26.09.2001, the irrigation authorities have removed the bamboo frames on 10.10.2001 put up by the lessees across the drain and as such, there is no obstruction to the free flow of water in the drain at present.

In view of the above, nothing survives for

adjudication in this writ petition. However, the respondents are directed to continuously monitor as to any obstruction being caused by the lessees or any other persons as to the free flow of water in the drains.

Writ petition is disposed of accordingly. No costs.

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10-11-2006

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